Remarks/Arguments

I. Status of the Claims

In the Office Action, the Examiner indicated that claims 1-32 are pending, rejected claims 1-20 and 23-32 under 35 U.S.C. §102(b) or 35 U.S.C. §103(a).

Also in the Office Action, the Examiner indicated that claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants appreciate the Examiner's indication that these claims are directed to allowable subject matter. Claim 21 is amended herein to place it in independent form. Claim 22 depends from newly independent claim 21. Therefore, these claims are now in condition for allowance.

In addition, independent claim 1 and dependent claim 5 are amended herein to more clearly set forth the invention. No new matter has been added.

Claims 1-32 are pending for reconsideration.

II. Rejection of Claims 1, 3, 6, 11, 13-15 and 17 under 35 U.S.C. §102(b)

At pages 2-4, item 2 of the Office Action, claims 1, 3, 6, 11, 13-15 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by Lawler et al. (U.S. Patent No. 5,805,763).

This rejection is respectfully traversed to the extent that it is maintained. A proper rejection under 35 U.S.C. §102 requires that the reference disclose each and every claim

element as set forth in the claims. As discussed below, however, the Lawler et al. patent fails to disclose (or even suggest) the invention as now claimed.

Independent claim 1 is amended herein to more clearly set forth the invention. The Lawler et al. patent fails to disclose (or even suggest) the invention as now set forth in independent claim 1. For example, independent claim 1 now more clearly recites three method steps, i.e., (1) "encoding a rebroadcast program, wherein the rebroadcast program has a segment record and program data, and wherein the segment record comprises a plurality of fields including a priority field"; (2) "specifying a preferred play time, wherein the preferred play time is a duration"; and (3) "providing a broadcast that fits the preferred play time, wherein the broadcast includes a shortened duration version of the rebroadcast program." None of these method steps as now claimed is disclosed (or even suggested) by the Lawler et al. patent.

The Lawler et al. patent discloses a system and method for automatically recording programs in an interactive viewing system. In the system disclosed in the Lawler et al. patent, a user may select a future program using an interactive program guide. The system identifies the selected program with a record tag which designates the selected program for recording. The record tag is stored and monitored by the system and, at the appropriate time, the system controls a recording device to record the selected program. See, Lawler et al., col. 2, lines 6-13. Unlike, the claimed invention -- no priority field is used, no preferred play time duration is specified, and no shortened duration version of the rebroadcast program is provided.

Therefore, the Applicants respectfully request reconsideration and withdrawal of this rejection of claims 1, 3, 6, 11, 13-15 and 17 under §102(b).

III. Rejections of Claims 2, 4, 5, 7-10, 12, 16, 18-20 and 23-32 under 35 U.S.C. §103(a)

At pages 4-10, item 4 of the Office Action, claims 2, 5, 7, 8, 10, 18, 20, 23-27 and 29-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lawler et al. (U.S. Patent No. 5,805,763) in view of Sezan et al. (U.S. Patent No. 6,236,395).

At pages 10-11, item 5 of the Office Action, claims 4, 9 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lawler et al. (U.S. Patent No. 5,805,763) in view of Hancock et al. (U.S. Patent No. 6,701,523).

At pages 11-12, item 6 of the Office Action, claims 12, 16 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lawler et al. (U.S. Patent No. 5,805,763).

Each of these rejections is respectfully traversed to the extent that it is maintained. As discussed below, the Lawler et al., Sezan et al. and Hancock et al. patents, alone and combination, fail to disclose or suggest the invention as now set forth in the claims.

Independent claim 1 is amended herein to more clearly set forth the invention. For example, independent claim 1 now more clearly recites a method of providing rebroadcast programming including the step of "encoding a rebroadcast program, wherein the rebroadcast program has a segment record and program data, and wherein the segment record comprises a plurality of fields including a priority field". The Lawler et al., Sezan et al. and Hancock et al. patents, alone and combination, fail to disclose or suggest this feature of the invention as now set forth in independent claim 1.

The primary reference, i.e., the Lawler et al. patent, discloses a system and method for automatically recording programs in an interactive viewing system. In the system disclosed in the Lawler et al. patent, a user may select a future program using an interactive program guide. The system identifies the selected program with a record tag which designates the selected program for recording. The record tag is stored and monitored by the system and, at the appropriate time, the system controls a recording device to record the selected program. See, Lawler et al., col. 2, lines 6-13. Unlike, the claimed invention -- no priority field is used.

The secondary references, i.e., the Sezan et al. and Hancock et al. patents, fail to cure this deficiency in the primary reference, i.e., the Lawler et al. patent. In fact, the Sezan et al. and Hancock et al. patents are completely silent as to the use of a priority field.

The Sezan et al. patent discloses an audiovisual information management system that provides at least one description scheme, i.e., a program description scheme, a user description scheme, and/or a system description scheme. See, Sezan et al., col. 1, lines 56-61. The Sezan et al. patent, however, does not teach the use of a priority field, even with respect to its description schemes. For example, the program description scheme proposed by the Sezan et al. patent includes a Highlight View having a descriptor <HighlightView>. The descriptor <HighlightView> specifies clips to form highlights of a program. A program may have different versions of highlights which are tailored into various time length. The clips are grouped into each version of highlight which is specified by the descriptor <Highlight> with a length attribute. See, Sezan et al., col. 16, lines 40-46. The user description scheme proposed by the Sezan et al. patent includes Browsing Preferences having a descriptor <HighlightLength>. The descriptor <HighlightLength> specifies which version of the highlight should be shown under the

highlight view. See, Sezan et al., col. 22, lines 31-33. The Sezan et al. patent is completely silent as to the use of a priority field and thus fails to cure this deficiency in the Lawler et al. patent.

The Hancock et al patent discloses a system for restricting access to television programs. The Hancock et al. patent is cited merely for its alleged teaching of " 'a parental control system which dictates a child has so many minutes of viewing time left in their daily allocation' so as to prevent a child's television viewing habits from interfering with the child's schooling." The Hancock et al. patent, however, is completely silent as to the use of a priority field and thus fails to cure this deficiency in the Lawler et al. patent.

Claims 2, 4, 5, 7-10, 12, 16, 18-20 and 23-32 depend, directly or indirectly, from independent claim 1, and set forth all of the limitations therein, plus additional limitations that are not disclosed or suggested by the prior art. For example, claim 5 is amended herein to require the step of "adjusting by the user the time in the middle of the broadcast so that the output is dynamically adjusted to the replay plan with new time parameters, by at least one of: 1) specifying more time is available, or 2) specifying that less time is available." The prior art fails to disclose or suggest the claimed dynamic adjustment. Claim 28 requires "the segment record comprises a plurality of fields including: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field." The prior art fails to disclose or suggest the claimed fields of the segment record. In the Office Action, at page 12, the Examiner takes OFFICIAL NOTICE "that it is notoriously well known in the art to have a segment record that 'comprises a plurality of fields including: a title field, a length field, a priority field, a location field, a status field, a next field, a previous field, and an alternate segment specifier field' so as to conform to the MPEG-7 standard. The Applicants respectfully traverse the OFFICIAL NOTICE and requests the Examiner to cite a reference to support

his position. See, MPEP 2144.03. Claim 32 requires the step of "comparing a segment priority of each of the portions of the rebroadcast program and a current filter priority." The prior art fails to disclose or suggest the claimed priority comparison. By such additional limitations, and for at least the reasons discussed above with respect to independent claim 1, the Applicants respectfully submit that dependent claims 2, 4, 5, 7-10, 12, 16, 18-20 and 23-32 also patentably define over the prior art.

Therefore, the Applicants respectfully request reconsideration and withdrawal of these rejections of claims 2, 4, 5, 7-10, 12, 16, 18-20 and 23-32 under §103(a).

IV. Conclusion

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1-32) are in condition for allowance and that the application should be passed to issue.

If a conference would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel at (847) 462-1937 to arrange for such a conference.

Respectfully submitted,

By: _____

Matthew J. Bussan
Registration No.: 33,614
1048 Dove Way
Cary, Illinois 60013

Telephone: (847) 462-1937
Fax No.: (847) 462-1937